

APPROVED: Meeting No. 03-92

ATTEST: *Sharon Gran*

MAYOR AND COUNCIL
ROCKVILLE, MARYLAND
Meeting No. 01-92

January 13, 1992

The Mayor and Council of Rockville, Maryland, convened in General Session in the Council Chamber, Rockville City Hall, 111 Maryland Avenue, Rockville, Maryland, on January 13, 1992, at 7:30 p.m.

PRESENT

Mayor Douglas M. Duncan

Councilmember James F. Coyle

Councilmember Rose G. Krasnow

Councilmember James T. Marrinan

Councilmember David Robbins

In attendance: City Manager Bruce Romer, City Clerk Sharon Gran and City Attorney Paul Glasgow.

Re: City Manager's Report

1. The County Council will be holding a public hearing on Thursday, January 16, at 7:30 p.m. on proposed legislation to consolidate the County's fire tax districts. Mayor Duncan will be representing the City and entering testimony urging that Rockville remain an independent fire tax district. A representative of the Rockville Volunteer Fire Department will be testifying, and it is anticipated that testimony will also be offered on behalf of the Rockville Chamber of Commerce. At the Mayor and Council's direction, letters have been sent to civic associations and other interested parties informing them of the details of this hearing.

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2. A number of appointments are scheduled this evening to the new Stormwater Management Task Force. The charge of this task force is to study the City's stormwater management laws and regulations. A mission statement has been prepared for this task force as a result of lengthy discussion among elected officials and staff. It is proposed that a copy of this mission statement be forwarded to the appointees along with notice of an initial "get acquainted" meeting of the task force.

3. As you know, Wootton Parkway opened on December 19, following a dedication ceremony attended by approximately 150 persons. The road meets all minimum requirements and engineering standards for traffic movement. Currently, the new Wootton Parkway carries about 4,500 vehicles per day, and it is anticipated that the road will ultimately carry 15,000 vehicles per day. The section between Seven Locks Road and Falls Road carries about 15,000 vehicles per day, and this figure will increase as development in the area increases. Some minor work remains to be done, including lane painting, energizing the street lights and landscaping in certain areas. Thus far, there has been a positive response to the roadway.

Councilmember Coyle asked what feedback had been received regarding how the intersections of this road are working, particularly in the upper end. The City Manager advised that there has been an overall positive reaction, inclusive of intersections, and there have been a couple of comments regarding signal timing. The timing of signals will be fine tuned over the next couple of months. No fundamental concerns or complaints have been received.

4. This coming Monday, January 20, the City will hold its annual observance of Martin Luther King, Jr. Day at noon at the F. Scott Fitzgerald Theatre.

Re: Citizens' Forum

At this time, the Mayor opened the meeting to hear from any citizen who wished to address the Mayor and Council.

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1. Cora Alter, 10 Watchwater Way, advised that while attending a National Chamber Orchestra concert at F. Scott Fitzgerald Theatre recently, she noted the deteriorating condition of the Baldwin grand piano case. Inasmuch as this is a valuable, handcrafted piece, she urged the City to find the funds to refinish the piano case.

2. David Johnson, attorney for Vernon Miller, urged the Mayor and Council to accept for processing Mr. Miller's Text Amendment Application T-122-91, Item 6G on the evening's agenda.

3. Helen Roberto, 1302 Crawford Drive, informed the Mayor and Council of the need for a four-way stop sign at Crawford and Clagett. She indicated that she is concerned for the welfare of school children waiting for the bus at this location, and she has previously brought this matter to the attention of the Traffic Engineer and the Traffic and Transportation Commission.

Mayor Duncan advised that this matter will be reviewed and she will be notified of the findings.

There being no other citizens wishing to be heard, the Mayor closed the Citizens' Forum portion of the meeting.

Re: Appointments

Upon motion of Councilmember Krasnow, duly seconded and unanimously passed, James Moone and Alan Sternstein were reappointed to three-year terms on the Board of Appeals. Mr. Sternstein will be serving as alternate for the first year of his new term.

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, Kenneth Lechter was reappointed to a one-year term as Chairperson of the Cultural Arts Commission.

Upon motion of Councilmember Coyle, duly seconded and unanimously passed, J. Bryan Blundell was reappointed to a three-year term on the Historic District Commission.

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Upon motion of Councilmember Coyle, duly seconded and unanimously passed, Joy Stein was appointed to a four-year term on the Human Rights Commission.

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, Charles Haughey was appointed to a five-year term on the Planning Commission.

Upon motion of Councilmember Robbins, duly seconded and unanimously passed, Dirk Schenck was appointed to a two-year term on the Recreation and Park Advisory Board.

Upon motion of Councilmember Krasnow, duly seconded, with Councilmember Marrinan abstaining, Eve Grover was reappointed to a two-year term on the Retirement and Disability Board and a one-year term as its Chairperson and James Marrinan was appointed as the Mayor and Council Representative to the Board.

Upon motion of Councilmember Krasnow, duly seconded and unanimously passed, Stuart Crump was appointed to a three-year term on the Senior Citizens Commission.

Stormwater Management Task Force

With respect to the formation of a Stormwater Management Task Force, Mayor Duncan noted the significance of this task force's mission which is to:

- o identify current laws and regulations of the state and federal government relative to stormwater management and wetlands;
- o identify any anticipated trends or changes in state or federal laws that reasonably can be expected over the next 10 years;
- o discuss the City's options for stormwater management within state and federal laws and regulations; and

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- o recommend any changes deemed desirable to update the City's stormwater management policies.

The task force will be requested to prepare a report for submission to the Mayor and Council.

Councilmember Coyle indicated that he is pleased with the creation of this task force. There has been a lot of discussion regarding stormwater management and wetlands within the City. Although the City has been very aggressive in its stormwater management policies, the task force will provide a fresh outlook on these issues and should yield some excellent results. The individuals who have volunteered their time have outstanding credentials, and he is pleased that Ellen Watson of the City's Science and Technology Commission has agreed to serve as chairperson.

Discussion followed regarding the proposed completion date for the task force of July 1, and Mayor Duncan indicated that this is merely a suggestion and more time would be allotted, if necessary.

Councilmember Coyle was advised that, in addition to City staff, a number of resources, including the state regulatory agencies and COG, will provide technical assistance to the task force.

Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, Ellen Watson was appointed as Chairperson and the following individuals were appointed to the Stormwater Management Task Force: Joshua Bloom, James Clarke, Kathleen Cove, Gary Gill, William Hickman, James Impara, Frank Jerin, Arnold Kohn, Julia McBee, James McDermott, William Meyer and Robert Slovic.

Re: Approval of Minutes

Upon motion of Councilmember Robbins, duly seconded and unanimously passed, the minutes of Meeting No. 40-91 (December 9, 1991) were approved, as written.

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Upon motion of Councilmember Marrinan, duly seconded and unanimously passed, the minutes of Meeting No. 41-91 (December 17, 1991) were approved, as written.

Re: Consent Agenda

Councilmember Robbins requested that Item J be removed from the Consent Agenda.

Upon motion of Councilmember Krasnow, duly seconded and unanimously passed, the following Consent Agenda items were approved:

- A. Award of Request for Proposal No. 42-92, Architectural Services for Redgate Golf Course Clubhouse Addition, to Wheeler, Masek, Goodman & Associates, in the amount of \$38,600.

This project calls for the design of an addition to the existing Redgate Golf Course Clubhouse facility. Funding in the amount of \$50,000 has been budgeted for this purpose.

- B. Award of Bid No. 51-92 for purchase of two 24-passenger transit buses from Chesapeake Bus & Equipment Co., Gaithersburg, Maryland, for the low bid of \$91,470.

This bid will provide two replacement buses for the Recreation Division. Funds in the amount of \$92,000 have been budgeted for this purpose.

- C. Award of Bid No. 55-92 for purchase of four crew cab pickup trucks from Ourisman Rockmont Chevrolet, Rockville, Maryland, for the low bid of \$59,812.

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This bid will provide four replacement vehicles for the Parks Division. The amount budgeted for this purchase is \$67,000.

- D. Approval of contract for provision of electrical service to Wootton Parkway street lights by the Potomac Electric Power Company (PEPCO) for the flat sum cost of \$92,560.

This proposal from PEPCO will provide power to 138 new street lights being installed on Wootton Parkway between Seven Locks Road and Rockville Pike.

- E. Adoption of Resolution No. 1-92, the full text of which can be found in Resolution Book No. 10 of the Mayor and Council, approving City Manager's grant of road code waiver of all curbs, gutters and sidewalk on east side of Luckett Street, as requested by Mr. and Mrs. Lanny Newman.

This waiver, which the Planning Commission has recommended, would allow the development of a three-lot subdivision on Luckett Street north of Carr Avenue.

- F. Acceptance of Text Amendment Application No. T-121-91, Cycle Ventures, Inc., Applicant.

Request to amend Chapter 25, Zoning and Planning, to allow retail sales of bicycles as a permitted use in the C-1 Zone, Local Commercial Zone. If accepted by the Mayor and Council

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for processing, this text amendment will be transmitted to the Planning Commission for review and recommendation.

- G. Acceptance of Text Amendment Application No. T-122-91, Vernon H. Miller, Applicant.

Request to amend Chapter 25, Zoning and Planning, to allow greater retail use opportunities in the TCO-1 Zone, and to allow parking reductions in the TCO-1 Zone in the same manner as the other Town Center zones. If accepted by the Mayor and Council for processing, this text amendment will be transmitted to the Planning Commission for review and recommendation.

- H. Approval of Amendment XVIII to the City of Rockville Pension Plan, enabling police participants to make pre-tax contributions to the Plan. This item was approved by the Retirement and Disability Board at their meeting of December 9, 1991.

- I. Adoption of Resolution No. 2-92, the full text of which can be found in Resolution Book No. 10 of the Mayor and Council, to amend Resolution No. 19-91, establishing administrative and municipal infraction fines for Chapter 3, entitled "Animals" of the Rockville City Code so as to correct a typographical error.

Re: Receipt of November financial reports summarizing the financial

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results of City operations
for the period from July 1,
1991 through November 30,
1991

Councilmember Robbins had requested that this item (J) be removed from the Consent Agenda to suggest that the Mayor and Council receive a periodic analysis regarding the financial condition of the City in light of the current economic situation. He noted a decrease in revenues of \$1 million from the same time period last fiscal year and an increase in expenditures.

The Finance Director advised the Mayor and Council that there are a lot of issues which have not been resolved at this time and, thus, it is difficult to make meaningful projections, especially in light of the State and County fiscal situations.

Insofar as tax duplication revenues are concerned, \$188,000 (10%) has been cut by the County and, based upon this cut, payment was received in December which is not reflected in the November reports. The local municipalities had agreed to accept 90% of the tax duplication payment now pending a resolution with the County concerning the remaining 10%. The City Manager noted that the City of Rockville and other municipalities would be meeting with the County Council on January 21 in worksession format to discuss the tax duplication issue.

Real property taxes have been received at a slower rate; however, substantive payments were received during the month of December. There has been a significant decline in personal property tax revenue for unincorporated businesses attributable to both a decrease in value as well as delinquency problems.

Although potential budget cuts have been explored, staff is awaiting resolution of State and County activity before moving forward with any cuts.

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Councilmember Marrinan expressed concern with the interest income the City is earning in view of the lowering of the discount rate.

Councilmember Coyle commented that some jurisdictions try to their improve business retention program in poor economic times. He asked if staff had discussed with the Chamber of Commerce any type of program to monitor small businesses and provide assistance. The City Manager responded that the City enjoys a close working relationship with the Chamber, and they are sensitive to this situation and willing to assist in any way they can.

Re: Adoption of Ordinance to
adopt Application to Close
and Abandon Public Way
SCA-63-91, Rockville Pike
Properties, Rocca Limited
Partnership, Applicant.

Ordinance No. 1-92

Upon motion of Councilmember Robbins, duly seconded and unanimously passed, Ordinance No. 1-92, the full text of which can be found in Ordinance Book No. 17 of the Mayor and Council, was adopted to grant Street Closing and Abandonment Application No. SCA-63-91, Rocca Limited Partnership, Applicant, to abandon Halpine Avenue between Chapman Avenue and Rockville Pike, an area containing 16,205 square feet.

Re: FYI/Correspondence

Hometown Holidays Kick-Off

Mayor Duncan was advised that this event would be scheduled for the end of the work day.

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Courthouse Square Project Update

Mayor Duncan requested staff to provide information as to how the City can best utilize this newly-renovated area.

Flag Football

Rockville Football League is considering expansion of its tackle program. Mayor Duncan had earlier inquired into the feasibility of expanding the flag football program for the same age group and, based upon RFL's action, withdrew his previous request.

National Chamber Orchestra Concert

Councilmember Krasnow reminded everyone that the National Chamber Orchestra would be holding a family concert this Saturday, January 18, at 10:00 a.m. at the F. Scott Fitzgerald Theatre.

Letter of Appreciation

Councilmember Marrinan was advised that the police officer involved has been identified and appropriately recognized for his assistance.

Courthouse Square Parking

The request from Town Center Business Association to add more parking spaces in Courthouse Square was raised by Councilmember Coyle. Mayor Duncan indicated that this parking would be limited (as short as 15 minutes), primarily for brief daytime deliveries and emergency situations. Councilmember Coyle asked staff to review the space on the other end of the Square by the Judicial Center to determine the feasibility of adding additional spaces at this site.

It was agreed that staff would report back in next week's FYI, and the Mayor and Council would defer action until the next general session.

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HOC Correspondence

Councilmember Coyle referenced the letter from Housing Opportunities Commission regarding 13127 Ardennes Avenue, and the City Manager stated that he will provide an update regarding the City's enforcement efforts.

Pinneberg Correspondence

Councilmember Robbins advised that he received a letter from Frau Kath, wife of the late Pinneberg Burgermeister, indicating that she plans to visit Rockville with one of Pinneberg's groups later in the year.

Request from Council of Governments

Should any members of the Council wish to participate in the summit planning session concerning increasing violence in the metropolitan area, Mayor Duncan requested that they so advise the City Manager.

Re: New Business

Councilmember Krasnow acknowledged the Redskins' wonderful victory.

First Night

In reading of the City of Annapolis' First Night activities, Councilmember Krasnow asked if the City of Rockville ever looked into this type of program. The City Manager responded that the idea had been advanced several years ago. Mayor Duncan added that this was looked at very closely and a determination was made that it would entail a major investment from a staff point of view. Given staff's schedule for other events, it was decided that the City would not pursue such a program. However, groups such as the Jaycees were approached to encourage private sector

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investment and involvement. Mayor Duncan asked that the City re-explore this program with the Jaycees or another Rockville group.

Councilmember Coyle mentioned several items he had received:

- o COG's proposal to merge the Public Policy Committee with the Human Resources Committee. He recommends support for this proposal.
- o Notification regarding the second proposed Public Education Forum scheduled for February 27. He indicated that the last forum was excellent, and there is an exciting topic, "Maryland State Assessment Program," planned for the next forum.
- o Request from two Congressional Towers residents to review the possibility of placing a newspaper recycling bin at the shopping center. Staff will report back on this item.

Councilmember Robbins asked how much of the Victoria has been leased, and staff will prepare a report regarding this matter.

With respect to the traffic light at Falls Road and Maryland Avenue, Councilmember Marrinan noted that the "no turn on red" is being ignored. Since there is potential for a real problem, he requested that this matter be readdressed with the State. Councilmember Krasnow commented that nearby residents were concerned for the safety of children attending Julius West and that a walk button was installed for this purpose. However, there really is no need for the "no turn on red" at other times of the day.

The request from the Rockville Library Advisory Committee for funds to purchase a CD-ROM reader was mentioned by Mayor Duncan. It was agreed that a letter would be sent to the Committee advising them that the City does not have funds available at this time.

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Mayor Duncan announced that he and his wife, Barbara, had a baby girl on December 29.

Re: Next Meeting

A worksession will be held on January 21 with the Alternative Community Service Commission and the Cultural Arts Commission. The next general session will be held on January 27, at which time a decision will be made regarding the additional parking spaces for Courthouse Square.

Re: Adjournment

There being no further business to come before the Mayor and Council, the meeting was adjourned at 8:25 p.m., to convene again in Worksession at 7:30 p.m. on January 21, 1992, or at the call of the Mayor.